IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.5855 of 2006

Dated: March 24, 2006

Between:

T. Prasad, S/o. Sri Suranna,

aged 54 years, Clerk (under suspension),

Mattampally Branch, Warangal District,

residing at H.No.4-89/6/2/3, Bhavaninagar,

Near Airtel Tower, Kodada.

… Petitioner

And

Andhra Bank, represented by its

Assistant General Manager (Personnel) &

Disciplinary Authority, Personnel Department (IR),

Andhra Bank, Zonal Office, Warangal.

… Respondent

Order:

The petitioner, who was a Clerk in the respondent Andhra Bank, has filed this Writ Petition challenging the notice dated 25-02-2006, which is a second show cause notice issued, after conclusion of enquiry in the disciplinary proceedings.

2. The facts of the case, in brief, are that the petitioner who was appointed as Clerk in the respondent bank was suspended from service by the respondent by order dated 08-11-2004 and a charge sheet dated
10-05-2005 was issued to him framing certain charges and explanation was called for from him. Thereafter, an order dated 10-06-2005, initiating domestic enquiry proceedings, was issued to him. It is the case of the petitioner that in the order dated 10-06-2005, though it has been stated that a fair and reasonable opportunity would be given to him, no proper opportunity was given to him to defend his case. While things stood thus, based on the report of the enquiry officer dated
15-12-2005, the respondent vide letter dated 31-12-2005 called for the explanation of the petitioner, which, according to the petitioner, was received in the second week of January, 2006. He claims to have submitted explanation dated 18-02-2006 and it is stated that the respondent, without considering the same, issued the impugned notice dated 25-02-2006, which is impugned in this Writ Petition.

3. A reading of the impugned notice clearly indicates the proposed punishment in view of the findings of the enquiry officer to the effect that the charges levelled against the petitioner are proved.

4. The only submission made by the learned counsel for the petitioner is that after the enquiry officer submitted his report, remarks were called for from the petitioner and in response to the same, though the petitioner submitted detailed explanation, without referring to the same, the impugned show cause notice has been issued.

5. However, in this case, it is to be seen that the petitioner could have very well filed his explanation to the impugned notice, taking the very same grounds, before the disciplinary authority. In the said notice, no specific reference need be made with

reference to the explanation offered by the petitioner after submission of the enquiry report. In any event, the petitioner cannot question the impugned notice at this stage on the ground as stated hereinabove.

6. The Writ Petition is bereft of merits and is accordingly dismissed. No costs. However, petitioner is at liberty to submit his explanation to the impugned notice within two (2) weeks from today, and on filing such explanation, it is open for the respondents to consider the same and pass appropriate orders, in accordance with law.

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JUSTICE R. SUBHASH REDDY.

March 24, 2006

MRR